

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMBROSIO ROUSE,

Plaintiff,

13cv0065

ELECTRONICALLY FILED

v.

II-VI INCORPORATED, ET AL.,

Defendants.

**ORDER OF COURT RE: PLAINTIFF'S OBJECTIONS TO JUDGE EDDY'S REPORT
AND RECOMMENDATION (DOC. NO. 43)**

This case centers on alleged employment discrimination and attorney and judicial misconduct. Plaintiff filed his *pro se* Complaint on January 14, 2013. Doc. No. 1. Defendants moved to dismiss Plaintiff's Complaint in its entirety. Doc. Nos. 7, 15, 17. On August 8, 2013, United States Magistrate Judge Eddy filed a Report and Recommendation that recommended that Defendants' Motions to Dismiss be granted and the case closed. Doc. No. 42. Plaintiff has timely filed Objections to Judge Eddy's Report and Recommendation and urges this Court not to adopt Judge Eddy's Report and Recommendation in any respect. Doc. No. 43.

Judge Eddy recommended that Plaintiff's Complaint be dismissed in its entirety because Plaintiff's claims are: (1) foreclosed by claim and issue preclusion; (2) prohibited by the *Rooker-Feldman* doctrine; (3) barred against judicial defendants by judicial immunity; and (4) barred by the applicable statute of limitations for claims brought under 42 U.S.C. §§ 1981, 1983, and 1985. Plaintiff assails the Report and Recommendation, in part, because Judge Eddy "had the goal and [deliberate] intention of leaving [discussion of Plaintiff's Complaint and Responses in Opposition to Defendants' Motions to Dismiss] out." As noted by Judge Eddy, she did not reach

the facts of Plaintiff's Complaint because they have been thoroughly addressed by previous Judges including Judge McVerry of the United States District Court of the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit. *E.g., Rouse v. II-Vi Inc.*, 2008 WL 2914796 (W.D. Pa. 2008), *aff'd* WL 1337144 (3d Cir. 2009). This Court agrees with Judge Eddy that the entirety of Plaintiff's claims are barred by threshold issues that do not relate to Plaintiff's specific factual averments. Therefore, discussion of these facts is unnecessary both in the Report and Recommendation and this Court's Order. As explained by Judge Eddy in her Report and Recommendation, Plaintiff's Complaint will be dismissed with prejudice because amendment would be futile.

Finally, Plaintiff also objects to actions taken by Judge Eddy in the pre-trial process including not granting a request for oral argument, which Plaintiff contends demonstrates that she abused her discretion. This Court finds no merit for Plaintiff's claims.

AND NOW, this 26th day of August 2013, IT IS HEREBY ORDERED THAT Plaintiff's Objections to Judge Eddy's Report and Recommendation (Doc. No. 43) are **OVERRULED**. The Court **ADOPTS** Judge Eddy's Report and Recommendation (Doc. No. 42) as the final Opinion of this Court. Therefore, Defendants' Motions to Dismiss (Doc. Nos. 7, 15, 17) are **GRANTED**. Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties